

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

GOOD SAMARITAN HOSPITAL,

Plaintiff,

:

Case No. 3:05-cv-408

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

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BLUE CROSS BLUE SHIELD  
OF MICHIGAN, et al.,

Defendants.

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**REPORT AND RECOMMENDATIONS**

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This case is before the Court *sua sponte*.

On March 17, 2006, the Court notified Plaintiff that no proof of service had been filed as to the individual Defendants, that the time for such service under Fed. R. Civ. P. 4(m) would expire on March 30, 2006, and that the Court would dismiss the case as to the individual Defendants if no service was made by that time (Doc. No. 14).

As of the date of this Report, no proof of service has been made as to the individual Defendants. It is accordingly respectfully recommended that this action be dismissed without prejudice as to Defendants Grover F. and Deborah S. Durham for failure to make service of process within the time allowed by law.

April 11, 2006.

s/ Michael R. Merz  
Chief United States Magistrate Judge

## NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).